



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,886	12/17/2003	Robert Hornung	IND-114.1	9692
20028	7590	10/08/2004	EXAMINER	
LAW OFFICE OF BARRY R LIPSITZ 755 MAIN STREET MONROE, CT 06468			GREEN, CHRISTY MARIE	
			ART UNIT	PAPER NUMBER

3635

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/739,886

Applicant(s)

HORNUNG, ROBERT

Examiner

Christy M Green

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/28/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

### **DETAILED ACTION**

This is a first office action for serial number 10/739886, entitled Window Sash Frame with hinged components, filed on December 17, 2003.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inner facing frame surface, first and second glazing pane mounting surface, a first hinged component of claim 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

Art Unit: 3635

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the inner facing frame surface of claim 1, is unclear, is this supposed to be the inside cavity or the inner sash frame surface (22), or another part of the invention? The first and second glazing pane mounting surfaces of claim 1 is unclear, is this supposed to be the side glazing surfaces or another part of the invention? A first hinged component of claim 1, is unclear as well, is this supposed to be the glazing bead or clip, or another part of the invention? Until further clarification of these limitations, the examiner will interpret them accordingly.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Frank, US Patent # 4,407,105.

Frank discloses the claimed invention including a window sash frame (figure 4) comprising: an inner facing frame surface (attached figure 4) extending substantially around the sash frame (6); first and second glazing pane mounting surfaces (11, 12)

Art Unit: 3635

extending from said inner facing frame surface (at 19); a first hinged component (20) extending substantially over the length of at least one portion the sash frame (at inner facing frame surface – attached figure 4) and being hingedly attached to at least one of: the first glazing pane mounting surface (by 18), said inner facing frame surface; a second hinged component (21) extending substantially over the length of said at least one portion and being hingedly attached to least one of: the second glazing pane mounting surface, said inner facing frame surface (20, 21); said first hinged component (20) functions as a glazing bead (as seen in figures 7 and 8) for first glazing pane (4) mounted to the first glazing pane mounting surface (11), and said second hinged component (21) functions as glazing bead for a second glazing pane (5) mounted to the second glazing pane mounting surface (12); said first and second hinged components (20, 21) are affixed to the first and second glazing panes (4, 5), respectively, using an adhesive sealant (15); a first locking member (37) for locking the first hinged component (20) in position adjacent the first glazing pane mounting surface (11); and a second locking member (37) locking the second hinged component (21) in position adjacent the second glazing pane mounting surface (12); a first strip (15) of adhesive between an end of said first glazing bead (20) and said first glazing pane (4); and a second strip (15 – other side of pane) of adhesive between an end of said second glazing bead (21) and said second glazing pane (5); a third strip (14) of adhesive located adjacent the inner facing frame surface (attached figure 4) and adapted to extend between the first and second glazing panes (4, 5 on each side of the frame); and, the first and second hinged

Art Unit: 3635

components (20, 21) are adapted to hold at least one a glazing pane, an insulating glass unit (4, 5), a window screen, an energy panel to the window sash (6).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frank.

Frank discloses the claimed invention as stated above in claim 1, including the first and second hinged components (20, 21) are adapted to be folded from an initial position (figure 4). Frank does not disclose that the hinged components are adapted to fold through an arc of about 270 degrees to a final functional position. It would have been an obvious matter of design choice to fold the components through an arc of about 270 degrees, since the applicant has not stated that this degree of arc solves any problem or for a particular purpose with regard to the criticality of this degree and it appears that the invention performs equally well with the arc of degree as shown in figures 4 to 8 of the reference cited.

***Allowable Subject Matter***

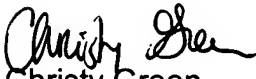
Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Christy Green  
Patent Examiner  
September 29, 2004

Continuation of Attachment(s) 6). Other: Exhibit A - attached figure (1).

